

ANAS TANWIR

Advocate-on-Record

Supreme Court of India

[REDACTED]

Without Prejudice

Dated: 08.07.2021

Through e-mail

To,

1. Twitter Inc.,
Through
Ms. Vijaya Gadde
Head of Legal & Policy,
C/o Twitter Inc.,
1355 Market Street, Suite 900,
San Francisco, CA 94103 U.S.A
2. Chaitanya Ramachandran
Senior Legal Counsel,
Twitter Inc.

Ref: Legal Notice on behalf of Ms. Sania Ahmad
[REDACTED] for your illegal omission of not removing and
suspending the accounts through which she faced rape threats, hateful
conduct, online sexual abuse and harassment.

Sir,

I am serving upon you this legal notice of the following contents on
instructions of my client, Ms Sania Ahmad, [REDACTED] at [REDACTED] Fl.

Enclave [REDACTED] 5 (hereinafter referred to as "My Client"):

[Signature]

women who were spoils of wars, women given as presents to the Sultan and women "owned" by the Sultan were kept as concubines. It is a humiliating word alternatively used as a slur for Muslim women and/or women in general. It is fit to mention herein that this poll went on for a full day with fair participation even after my client repeatedly reported the tweet as well as the user. (A screenshot of the said tweet is marked and annexed herewith as **Annexure-B**).

- c) That on 14 May 2021, my client tweeted a picture on the occasion of Eid-ul-Fitr, the picture was non-consensually used and subsequently tweeted by one "@giyu2002" with the picture of another woman with a caption "*Getting confused over which one to sleep with tonight*". Another other user "@sandilyav1" retweeted the same with the caption "*Cum & Dump. Make Asifabano out of every sulli*." AsifaBano was an eight-year-old girl who was kidnapped, gang raped, tortured and later killed (For detailed context: <https://www.bbc.com/news/world-asia-india-43722714>). In addition to the "Asifa" analogy, my client has been referred to as "*Sulli*" in the tweet which is a derogatory cuss word used for a Muslim Woman. (A screenshot of the said tweet and retweet is marked and annexed herewith as **Annexure-C**).
- d) That a user "@sullideals101" has non-consensually used a picture of my client as their cover photo. It is also appropriate to mention herein that this account had previously been suspended due to such hateful conduct but has now resurfaced. (Screenshot of the aforementioned account showing my client's picture being used as cover photo is marked and annexed herewith as **Annexure-D**). As per their name and the website added on their account, they claim to provide the user with the "*sulli deal of the day*" (Muslim woman of the day for the purpose of exploitation and such). Once "*Find me a sulli*" is clicked, the website displays the Twitter handle of a Muslim Woman, a picture of the woman and a "Share on Twitter" button. (Screenshot of the



aforementioned website and the result once "Find me a sulli" is clicked are marked and annexed herewith as **Annexure-E**). It is appalling that such a URL has been permitted to be added to your microblogging website. As a result of your lack of checks and measures regarding what goes onto your platform, this website has received traffic via your microblogging website and hundreds of pictures of Muslim Women users of your platform were non-consensually obtained and exploited by this website. You the Noticee are complicit in this trafficking of Muslim Women that was publicized/advertised on your platform and was run using traffic from your microblogging website. It goes on to show that despite your claims of being "*committed to combating abuse motivated by hatred, prejudice or intolerance, particularly abuse that seeks to silence the voices of those who have been historically marginalized*", you have no real intention of providing a safe space for those marginalized as you have on various occasions failed not only my client but other target groups by not providing a proper remedy to such instances of hateful conduct.

5. That my client joined your microblogging website in 2016 after carefully going through your community standards and rules available on your website. It goes without saying that due to my client's gender and religion, social spaces are extremely difficult to access, especially in a safe manner. Your rules and community guidelines were an attestation of her safety, security and freedom to express her opinions, professional as well as personal, which is why she joined your microblogging website.
6. That my client has on various other occasions reported other such derogatory and hateful tweets but to no avail. The reports were marked as "**not in violation of community standards**". You have clearly admitted that, despite such comments being blatant violations of your own rules and community standards, let alone clear violations of the Indian law, you do not find the said illegal acts as violations, which goes on to show your *mala fide*



intent and thus puts you in the textbook definition of an abettor. Given your conduct, I am compelled to reproduce what your hateful conduct policy, which is available on your website, states: *"You may not promote violence against or directly attack or threaten other people on the basis of race, ethnicity, national origin, caste, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease."*

"We prohibit content that makes violent threats against an identifiable target. Violent threats are declarative statements of intent to inflict injuries that would result in serious and lasting bodily harm, where an individual could die or be significantly injured."

As the owners and managers of the microblogging website you hold the responsibility to remove such content and remove defaulters' accounts, especially when it is reported to you. The failure to do so has clearly established your *mala fide* intention of abetting and facilitating such hateful conduct, cyberbullying, sexual harassment and rape threats.

7. That it has been uniform practice on your part of not taking necessary action against such miscreants even after reporting of accounts and disputed tweets which clearly goes on to show your illegal omission and thus facilitation of the said conduct.
8. That since the incident(s), my client has been under an enormous amount of mental pressure, and lives in a constant fear for her life and security. Given her work involves a considerable amount of social engagement and her livelihood mostly depends on the use of social media, the same social space (Twitter) has become a source of fear and insecurity as you the addressee have failed to live up to your community standards. especially when you have publicly declared on your website *"Our rules are to ensure all people can participate in the public conversation freely and safely."*, *"We want people on Twitter to have safe, inclusive, and authentic conversations. With that goal in*

mind, we work hard to minimize toxic and illegal content, and give people tools to control their interactions."

9. That you the addressee claim to provide a platform for your users to exercise their Fundamental Rights and hence fall under the definition of "State" as per Article 12 of the Indian Constitution. You therefore have a higher degree of responsibility in making sure that those rights are being upheld. Since you the addressee have failed to provide my client the safe space which your rules promised, you have committed a breach of duty, misrepresented the safety mechanism for women on your website, used your rules and community standards to allure customers like my client to join your website, when you have no mechanism to adhere to those rules, for which you can be held legally accountable as per the relevant provisions of law.
10. In view of resolving the aforesaid disputes and differences amicably, you the Addressee, are being called upon to:
 - a) Compensate my client with an amount of Rs. 10,00,000/- (Ten Lakhs Rupees Only) as compensation for the mental agony caused and the fear she has been living under since the said incident(s);
 - b) Ensure that you remove all the aforementioned accounts permanently, and provide a safe space for my client on your microblogging website in compliance with your rules and community standards. Additionally, it must also be ensured by you that the accounts so removed should in no way be permitted to come back;
 - c) Ensure that you amend your policies to take up such heinous and extreme violations of your rules as well as the law of the land with police and other necessary authorities at your risk and cost;
 - d) Ensure inclusiveness of languages other than English, transliterations, and special characters so as to recognize insensitive



language and violent threats other than in English. (An instance of the same has been mentioned in Para 3(a) of this Legal Notice);

- e) Ensure such checks that any picture(s) posted by a user may not be downloaded by another without the consent of the owner. It must also be ensured by you that any malicious content that is posted in form of a picture/meme should not go unrecognized as such by introducing a photo-shield feature as available in Facebook;
- f) Ensure stringent checks and measures regarding the websites that are linked and the content that is uploaded to your platform;
- g) Ensure institution of a dedicated team to streamline and look into matters of hateful conduct towards target groups of online abuse such as women, people of color, LGBTQIA+ community, marginalized and historically underrepresented communities so that such matters are prioritized and action is taken immediately; and
- h) Ensure and create a mechanism that directs you the Addressee to take cognizance of any such matters of hateful conduct and sexual harassment as per the relevant provisions of the Indian Law in addition to the suspension of the account of the miscreant(s).

Within 30 days from the receipt of this Legal Notice, failing which legal action, both civil and criminal, will be initiated against you the Addressee. Needless to mention, that any such proceedings as and when initiated shall be entirely at your cost, risk and peril, without any further reference to you.


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